IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2007

CORAM

THE HON'BLE MR.JUSTICE P.D.DINAKARAN
AND
THE HON'BLE MR.JUSTICE P.P.S.JANARTHANA RAJA

Writ Appeal No.2100 of 2001

The District Collector
Dindigul District
Dindigul. .. Appellant

Vs.

P.Udayakumar .. Respondents

Appeal under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 12.9.2001 made in W.P.No.8805 of 2001 - Writ Petition filed under Article 226 of the Constitution of India, the issueance of Writ of Mandamus, directing the respondent to permit the petitioner to quarry and transport the mineral from sand quarry measuring 10-00-0 Hectares, comprised in Survey Nos.211, 212, 261, 263, 264, 265, 275, 342, 343, 344 and 345 situated in Thirukoornam Village, Vedachandhur Taluk, Dindigul District for the full period of five years i.e. for further period of Seven months and four days from 21.9.2001 on payment of the proportionate lease amount and other charges.

For Appellant : Mr.Thirugnanam
Spl. Government Pleader
For Respondent : No appearance

J U D G M E N T

(Delivered by P.D.DINAKARAN,J.)

Heard Mr.Thirugnanam, learned Special Government Pleader for the appellant. Mr.K.Ramakrishna Reddy, learned counsel who appeared for the writ petitioner/respondent herein submits that he has already returned the papers to the writ petitioner/respondent herein, whose name also appears in the cause list. However, there is no representation on behalf of the respondent herein/writ petitioner.

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2. After hearing the learned Special Government Pleader for the appellant, we are satisfied that the appeal has become infructuous for the reasons discussed hereunder.

3. The respondent herein/writ petitioner filed W.P.No.8805 of 2001 seeking a writ of Mandamus to direct the appellant herein to permit the petitioner to quarry and transport the mineral from sand quarry measuring 10.00.0 Hectares comprised in Survey Nos.211, 212, 261, 263, 264, 265, 275, 342, 343, 344 and 345 situated in Thirukoornam Village, Vadachandhur Taluk, Dindigul District for the full period of five years, i.e., for further period of seven months and four days from 21.9.2001 on payment of proportionate lease amount.

4. The learned Single Judge, by order dated 12.9.2001 made in W.P.No.8805 of 2001 directed the appellant to permit the respondent herein to continue the quarry operation for a further period of seven months, but the writ petitioner never exercised any quarry operation during that extended period.

5. In any event, it is reported that from 1.10.2003, in view of G.O.Ms.No.95, Industries Department, dated 1.10.2003, the sand quarry operation had been taken over by the Government by themselves and it is also a settled law that even for the period during which quarry operation was not exercised, the grantee is at liberty to workout only for compensation, but cannot claim any right to quarry for an extended period.

For the reasons aforesaid, the writ appeal is dismissed as infructuous. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sasi

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To
1. The District Collector,Dindigul District, Dindigul.

+ 1 CC to the Government Pleader SR NO 25486

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